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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,241	11/09/2001	David Schaum	SCHDPA101	9911
7590	02/22/2005		EXAMINER	MUHEBBULLAH, SAJEDA
Robert M. Downey ROBERT M. DOWNEY, P.A. 601 SOUTH FEDERAL HIGHWAY SUITE 300 Boca Raton, FL 33432			ART UNIT	PAPER NUMBER
2174				
DATE MAILED: 02/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/045,241	SCHAUM, DAVID	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This communication is responsive to Amendment filed 10/05/2004.
2. Claims 10-14 are pending in this application. Claims 10 and 14 are independent claims.

In the Amendment, claims 1-9 were cancelled. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (“Smith”, US 6,195,000) in view of Stimmel (US 6,678,719).

As per claim 10, Smith teaches a method for establishing social interaction comprising the steps of:

providing a device to a first person, wherein said device includes means operable by the first person for selectively displaying a message containing information identifying how to contact the first person (col.1, lines 45-50);

providing means for allowing the first person to selectively operate the device to direct said message to the attention of a second person selected by the first person (col.4, lines 6-10); and

allowing the second person to see the first person and obtain the information; and allowing the second person to selectively contact the first person to establish communication between the first person and the second person (col.2, lines 26-29).

Furthermore, Smith teaches the device to be able to display any message entered in by the first person which can include information on how to contact the first person (col.1, lines 65-67). Although Smith does not explicitly teach the message to include information on how to establish communication via a communication network, Stimmel teaches a method of displaying information on how to contact others through a communication network (col.3, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Stimmel's teaching with Smith's teaching in order to provide alternative methods of contacting an individual.

As per claim 11, Smith teaches the step of carrying said device in an automobile so that said message is viewable from an exterior of the automobile through the windows of the automobile (col.3, lines 4-10).

As per claim 12, Smith teaches the display means to be structured and disposed for customizing and changing said message (col.2, lines 49-52). However, Smith does not explicitly disclose the message to contain the first person's e-mail address. Stimmel teaches a method of displaying information on how to contact others which includes a person's email address (col.3, lines 62-67; col.4, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Stimmel's teaching with Smith's teaching in order to provide alternative methods of contacting an individual.

Claim 13 is similar in scope to claim 12, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to claim 10, and is therefore rejected under similar rationale.

In addition, Smith teaches the display means to be operable between an on condition and an off condition (col.4, lines 7-10).

Response to Arguments

5. Applicant's arguments filed 10/05/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

- a) Smith fails to teach a method wherein the user invites an observer to engage in social interaction on a computer network at a subsequent time.
- b) No motivation to combine Smith and Stimmel.

The Examiner disagrees for the following reasons:

Per a) As noted in the previous office action, Smith's method allows the user to enter in any message to display to an observer. Therefore there exist an instance whereby the user may enter in a message inviting an observer to contact the user via a computer network for further interaction.

Per b) In response to applicant's argument that there is no motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Smith reference teaches displaying any message to the observer, the Stimmel reference is merely used here to show that the displayed message may be an email address which is one type of message displayed in Stimmel. Therefore, it would be obvious to

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combine these two references since they both display messages, the Stimmel reference simply teaching that the message may specifically be network contact information.

Communications

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on **(571) 272-4063**.

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 305-3900**.

Sajeda Muhebbullah
Patent Examiner
Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100